

Copy

Nov. 10, 1922.

Col. W. L. White,

17 Battery Place,

New York City.

Dear Sir:

In compliance with your telegram of Nov. 2, 1922, to W. F. Look, I have examined the title to a portion of the δ 1/2 of SE 1/4 of sec. 18 Tp 2s, ^R 13w in Bay County, Florida, as disclosed by two abstracts, the first made by Washington County Abstract Company, dated Oct. 20, 1910 #201, and the other made by Bay County Land & Abstract Company, dated Sept. 19, 1922, No. 460-B and beg to advise that in my opinion the same is not safe.

The source upon which claimants deed appears to be based is a Tax Deed to W. H. Milton, dated May 31, 1876, void on its face. And the abstract does not show that the title had passed out of the U. S. Government when the assessment upon which said deed is based was made, or has since passed out of the Government. Until that fact is made to appear no valid claim under color of title or otherwise by adverse possession can be acquired.

The paper title for the reason stated, and also on account of lack of seals, witnesses, acknowledgments or defective acknowledgments and other defects in many of the links of the chain of title is insufficient and cannot be relied upon;

and the prescriptive title claimed is based upon alleged continuous adverse possession for seven years under the deeds, mentioned in the abstracts, as color of title; and whether or not such title can be established and sustained depends entirely upon parole testimony.

The facts set up in the affidavits, submitted with the abstracts, are not sufficient to enable me to pass upon their competency and sufficiency as evidence to establish and support ~~open, notorious and continuous~~ adverse possession for any period of time.

Our Supreme Court holds that a witness testifying as to possession must state the facts constituting the possession claimed and that his conclusion that claimant was in possession is incompetent and insufficient; and as the affidavits set up only conclusions, and are otherwise very indefinite, I can not pass upon the facts as to the adverse possession claimed.

My impression is that the title can be ^equit_Ated by appropriate court proceedings therefor (if the Government has parted with the title), and this course is advisable for without the same first being done, I repeat, I do not consider the title safe or merchantable.

Yours very truly,

J R Keller

Nov. 10. 1922.

17 Battery Place,
New York City.

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My impression is that the title can be quieted by appropriate proceedings therefor (if the government has parted with the title) and of course this course is advisable for without the same first being done, I repeat I do not consider the title safe or merchantable.

Yours very truly

Sig (J. R. Wells.)

Panama City, Florida, Nov 13th, 1922.

United States Land Office Gainesville,
Florida.

Gentlemen:-

I wish to ascertain who ~~first~~ took title from the U. S. of
the land in Sections 17 and 18, Township 4 south, range 13 west, Bay
county. Supposedly it was purchased in the 50s of last century. Please
send me this information attested officially and send bill therefor and I
will remit.

Truly yours